Appl. No. 09/163,778 Atty. Docket No. P-116 Amdt. Dated March 9, 2005 Amdt. to Office Action September 9, 2004 Customer No. 27752

# RECEIVED CENTRAL FAX CENTER MAR 0 9 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/163,778

Applicant(s)

Allan Lepine

Filed

September 30, 1998

Title

CANINE MILK SUBSTITUTE

TC/A.U.

1761

Examiner

Chhaya D. Sayala

Conf. No.

5876

Docket No.

P-116

Customer No.

27752

## AMENDMENT AFTER 1<sup>ST</sup> OFFICE ACTION UNDER 37 CFR §1.111(c)

Mail Stop Amendment Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

#### INTRODUCTORY REMARKS

Dear Sir:

In response to the Office Action dated September 9, 2004 for the above-identified patent application, please consider the following amendments and remarks. Attached hereto is a Petition for Extension of Time, and the fee required under 37 C.F.R. § 1.17(a)(1), providing for a timely response up to and including March 9, 2005.

Amendments begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Page 1 of 9

### Procter & Gamble – I.P. Division

#### IMPORTANT CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.

## FACSIMILE TRANSMITTAL SHEET AND CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

## TO: Examiner Chhava D. Savala - United States Patent and Trademark Office

Fax No.

703-872-9306

Phone No. 571-272-1405

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on March 9, 2005, to the above-identified facsimile number.

FROM: LINDA S. JERNIGAN (Typed or printed name of person signing Certificate)

Fax No. 513-622-3300

Phone No. 513-622-2811

Listed below are the item(s) being submitted with this Certificate of Transmission:\*\*

1) Fee Transmittal - orig. w/copy

2) Amendment - 9 pages

3) Petition for 3 mo. Ext. - orig. w/copy

Supplemental IDS – 3 pgs. orig. w/copy

PT0SB08 – 1 page – orig. w/copy

6) Reference Article - 7 pgs. Comments:

Inventor(s): Allan Lepine

S.N.:

09/163,778

Number of Pages Including this Page: 28

Filed:

September 30, 1998

Docket No.: P116

<sup>\*\*</sup>Note: Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

(\$50 per claim)

(\$) [1200]

SUBTOTAL(5)

#### FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision. Effective December 8, 2004

P&G HC PA	ATENT DIV.	513 622 3300 P.02/28			
evision. 4	Complete if Known				
	Application Number	09/163,778			
	Confirmation Number	5876			
	Filing Date	September 30, 1998			
	First Named Inventor	Allan Lepine			
	Examiner Name	Chhaya D. Sayala			
	Art Unit	1761			
(\$1200)	Attorney Docket No.	P116			
(3)1200)					

TOTAL AMOUNT OF PAYMENT (\$1200) Attor	ney Docket No. P116
	FEE CALCULATION (continued)
METHOD OF PAYMENT  1. [X] The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:  Deposit Account Number: 16-2480  Deposit Account Name: The Procter & Gamble Company	5. ADDITIONAL FEES  Fee Description  Extension for reply within 1 <sup>st</sup> month  Extension for reply within 2 <sup>nd</sup> month  Extension for reply within 3 <sup>nd</sup> month  Extension for reply within 3 <sup>nd</sup> month  Extension for reply within 4 <sup>th</sup> month  Extension for reply within 4 <sup>th</sup> month  (\$1,020) [1020]
FEE CALCULATION  2. BASIC FILING FEE - Large Entity FILING SEARCH EXAMINATION FEE FEE FEE	Extension for reply within 5 <sup>th</sup> month (\$2,160) []  Information Disclosure Statement fee (\$180) [180]
FEE   FEE   FEE	37 CFR 1.16(c) Late Oath/Declaration (nonprovisional) (\$130) [] 37 CFR 1.17 (q) Missing Parts (provisional) (\$50) []
Design (\$200) (\$100) (\$130) (Total = \$430) []  Reissuc (\$300) (\$500) (\$600) (Total = \$1400) []	Non-English specification (\$130) []  Notice of Appeal (\$500) []
Provisional filing fec (Total = \$200) []  3. APPLICATION SIZE FEE:	Filing a brief in support of an appeal (\$500) []  Request for oral hearing (\$1,000) []
Sheets of Spec and Drawings (\$250 for each 50 sheets in excess of 100, except for sequence and program listings)  SUBTOTAL (2)+(3) (\$)[]	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c) (\$1,370) [] Other:
4. EXTRA CLAIM FEES FOR UTILITY AND REISSUE:  Extra Fee from Fee  Claims Below Paid  Total Claims [] - 20** = [] x [] = []  Independent Claims [] - 3** = [] x [] = []  Multiple Dependent claims:  ** or number previously paid, if greater; For Reissues, see below  Fee Description  Claims in excess of 20 (\$50 per claim)  Independent claims in excess of 3 (\$200 per claim)  Multiple dependent claim, if not paid (\$360)  **Reissue: each independent claim over 3 and more than in the original patent (\$200 per claim)  **Reissue claims: each claim over 20 and more than original patent (\$500 per claim)	

	SUBTOTAL (4)	(\$)[]		BUDIUS		=
_				Comple	te (if applicable)	_
	Name (Print/Type) Cynthia L. Clay	Registration No. (Attorney/Agent)	54,930	Telephone	(513) 622-0291	_
	Signature	J COOA		Date	3/9/05	}
	1 1 6 10 1 1 1	$\alpha$		and has the USPTO to o	meess) an upplication.	

This collection of information is required by \$7 CFR 1.17. The information is required to officin or retain a percent by the public which is to fits (used by the USPTO to process) on application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 publics to complete, including gathering, preparing, and submitting the completed Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 publics to complete, including gathering, preparing, and submitting the completed completed this form to the USPTO. Time will vary deposaling upon individual case. Any comments on the manual of time you are required to complete this form analyst suggestions for robesting application form to the USPTO. Time will vary deposaling upon individual case. Any comments on the manual of time you are required to complete this form analyst suggestions for robesting application form to the USPTO. Time will vary deposaling upon individual case. Any comments on the manual of time you are required to complete this form analyst suggestions for robesting application. Form on the upon are required to complete this form analyst suggestions for robesting application form to the USPTO. Time will vary deposaling upon individual case. Any comments of Comments of Comments and Individual Comments are required to complete the upon are required by the USPTO to process, on application.

SEND FIGS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SEND FIGS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SEND FIGS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(\$)[]

#### FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision. Effective December 8, 2004

U.S. Patent and Trademark	Umoe: U.S. DEFARTING
Co	omplete if Known
Application Number	09/163,778
Confirmation Number	5876
Filing Date	September 30, 1998
First Named Inventor	Allan Lepine
Examiner Name	Chhaya D. Sayala
Art Unit	1761
Attorney Docket No.	P116

TOTAL AMOUNT OF PAYMENT (\$1200)	Attorn	ey Docket No.	P116		
		FEE C	ALCULATION (contin	nued)	
METHOD OF PAYMENT	5000	5. ADDITIONAL F			
1. [X] The Director is hereby authorized to charge indicated		Fee Description			<u>Fee Paid</u>
submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of the	uis .	Extension for reply w	ithin 1st month	(\$120)	0
application to:		Extension for reply w	ithin 2 <sup>nd</sup> month	(\$450)	0
Personit Account Number: 16-2480	•	Extension for reply w	ithin 3 <sup>rd</sup> month	(\$1,020)	[1020]
Deposit Account Name: The Procter & Gamble Compa	апу	Extension for reply w	ithin 4 <sup>th</sup> month	(\$1,590)	
Dohous 114-2-11		Extension for reply w	ithin 5 <sup>th</sup> month	(\$2,160)	
FEE CALCULATION	- 1				
2. BASIC FILING FEE - Large Entity	1	Information Disclosu	re Statement fee	(\$180)	[180]
FILING SEARCH EXAMINATION	- 1	III.Q:			
FEE FEE	Į.	37 CFR 1.16(e) Late	Oath/Declaration		
Application Fee F		(nonprovisional)		(\$130)	()
Type	aiu	37 CFR 1 17 (a) Mis	sing Parts (provisional)	(\$50)	0
Utility (\$300) (\$500) (\$200)	i	57 6110 1127 (4)	<b>5</b>		
(Total = \$1000) []	1	Non-English specific	ation	(\$130)	0
Design (\$200) (\$100) (\$130)	- 1	I dom-1710-1710		,	
(Total = \$430) []	1	Notice of Appeal		(\$500)	0
Reissue (\$300) (\$500) (\$600) (Total = \$1400) []		110000			
- 1 2000 [		Filing a brief in supp	port of an appeal	(\$500)	C
Provisional ming icc		Request for oral hea		(\$1,000)	0
3. APPLICATION SIZE FEE:		_			
		Acceptance of unint	entionally delayed claim for p	niority	
(\$250 for each 50 sheets in excess of 100, except for		under 35 U.S.C. 1	19, 120, 121, or 365 (a) or (c)	(\$1,370)	0 (
sequence and program listings) SUBTOTAL (2)+(3) (\$)[	П	Other:			Ð
5024					
4. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	ei Para				
Extra Fee from	Fcc				
<u> </u>	<u>Paid</u>				
Total Claims 11 - 20 - U	Ω 0				
Independent Claims (1 - 5 - Cl Cl	П				
I Modreja i jerjenorni čizbilis:	_				
** or number previously paid, if greater, For Reissues, see bel	, UW	ļ			
Fee Description					
Claims in excess of 20 (\$50 per claim)		}			
Independent claims in excess of 3 (\$200 per claim)	•				
Multiple dependent claim, if not paid (\$360)	•				
**Reissue: each independent claim over 3 and more than in th	10				
original patent (\$200 per claim)  **Reissue claims: each claim over 20 and more than original	patent				
(\$50 per claim)			SUBTO	TAL(5)	(\$) [1200

	SUBTOTAL (4)	(\$)[]		SUBTO		<u> </u>
				Comple	te (if applicable)	1
SUBMITTED BY Name (Print/Type)			ration No. 54,930	Telephone	(513) 622-0291	
Signature	10 (10	J C 0	ney/Agent)	Date	3/9/05	
, , , , , , , , , , , , , , , , , , ,	- Cimth	$O_{\bullet} \hookrightarrow O_{\bullet} \hookrightarrow O_{\bullet}$	setain a constit by the public which is so fil	e (and by the USPIO to p	rocess) an application	

This collection of information is required by \$7 CFR 1.17. The information is required to Offsin or retain acotypits by the public which is to file (and by the USF1O to process) an application. Comfidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to tate 12 injuries to complete, suchding garbeting, preparing, and submitting the completed application form to the USF1O. Tens will very depending upon individual case. Any community on the neuroble of time you are required to complete this form and/or suggestions for reducing application forms to the USF1O. Tens will very depending upon individual case. Any community of time you are required to complete this form and/or suggestions for reducing this burlet, should be sent to the Chief information Officer, U.S. Patent and Trademark Officer, U.S. Department of Community, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT this burlet, should be sent to the Chief information Officer, U.S. Patent and Trademark Officer, U.S. Department of Community, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED PORMS TO THIS ADDRESS. SEND TO: Communitationers for Plasma, P.O. Box 1450, Alexandria, VA 22313-1450.

**(\$)**[]